

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

DIONNE SMITH,

Defendant.

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Criminal No. 15-10285-IT

ORDER OF FORFEITURE (MONEY JUDGMENT)

TALWANI, D.J.

WHEREAS, on September 24, 2015, a federal grand jury sitting in the District of Massachusetts returned a one-count Indictment charging defendant Dionne Smith (the “Defendant”) with Embezzlement by a Bank Employee, in violation of 18 U.S.C. §§ 656, and 2 (Count One);

WHEREAS, the Indictment also contained a forfeiture allegation, pursuant to 18 U.S.C. § 982(a)(2), which provided notice that the United States sought the forfeiture, upon conviction of the Defendant of the offense alleged in Count One of the Indictment, of any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of such offense;

WHEREAS, the Indictment further provided that, if any of the above-described forfeitable property, as a result of any act or omission by the Defendant, (a) cannot be located upon the exercise of due diligence; (b) has been transferred or sold to, or deposited with, a third party; (c) has been placed beyond the jurisdiction of the Court; (d) has been substantially diminished in value; or (e) has been commingled with other property which cannot be divided without difficulty, the United States is entitled to seek forfeiture of any other property of the Defendant, up to the value of such assets, pursuant to 18 U.S.C. § 982(b)(1), incorporating 21 U.S.C. § 853(p);

WHEREAS, on March 4, 2016, at a hearing pursuant to Rule 11 of the Federal Rules of

Criminal Procedure, the Defendant pled guilty to Count One of the Indictment;

WHEREAS, on July 29, 2016, a sentencing hearing was held whereby this Court sentenced the Defendant to 12 months and 1 day incarceration, to be followed by a term of 24 months supervised release;

WHEREAS, in addition, this Court ordered a forfeiture money judgment against the Defendant in the amount of \$124,244 in United States currency, as such amount represents the proceeds of the Defendant's offense;

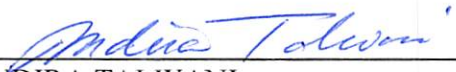
WHEREAS, accordingly, the United States is entitled to an Order of Forfeiture consisting of a personal money judgment against the Defendant, in the amount of \$124,244 in United States currency, pursuant to 18 U.S.C. § 982(a)(2); and

WHEREAS, Rule 32.2(c)(1) of the Federal Rules of Criminal Procedure provides that "no ancillary proceeding is required to the extent that the forfeiture consists of a money judgment."

ACCORDINGLY, it is hereby ORDERED, ADJUDGED, and DECREED:

1. The Defendant shall forfeit to the United States the sum of \$124,244 in United States currency, pursuant to 18 U.S.C. § 982(b)(1).
2. This Court shall retain jurisdiction in the case for the purpose of enforcing this Order.
3. The United States may, at any time, move pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure to amend this Order to substitute property having a value not to exceed the amount set forth in Paragraph 1 to satisfy the money judgment in whole or in part.
4. The United States may, at any time, conduct pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure and 21 U.S.C. § 853(m), as incorporated by 18 U.S.C.

§ 982(b)(1), any discovery to identify, locate or dispose of forfeitable property or substitute assets, including, but not limited to, depositions and requests for documents, electronically stored information, and tangible things.



INDIRA TALWANI
United States District Judge

Dated: 8/18/16